

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

**Ex parte WILLIAM ALLOCCA, JORDAN HAY,  
JONATHAN A. LEBLANG,  
COLLEEN McQUEEN, and JAMES PRUDENTE**

Appeal 2007-1327  
Application 09/547,540

MAILED

SEP 10 2007

U.S. PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

ORDER VACATING ORAL HEARING  
AND REMAND TO EXAMINER

This Image File Wrapper (IFW) application was electronically received at the Board of Patent Appeals and Interferences on January 11, 2007; a docketing Notice was mailed and Appeal Number 2007-1327 was assigned. A review of the application has revealed that the application is not ready for consideration of the appeal, therefore, the application is being remanded to the Examiner. The matter requiring attention is identified below

**ORDER VACATING ORAL HEARING**

A request for Oral Hearing was filed July 3, 2006. A Notice of Hearing was mailed July 13, 2007 and the hearing was scheduled for September 13, 2007. Appellant is notified that the scheduled hearing is hereby vacated.

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**SUPPLEMENTAL REPLY BRIEF**

Appellant filed a Supplemental Reply Brief on September 7, 2007, in view of the recent Court decision in *KSR Int'l v. Teleflex, Inc.*, 127 S. Ct. 1727 (2007), which clarified several aspects of the manner in which obviousness should be determined. Appellant alleges that in view of the KSR Court decision the Examiner has not identified prior art references, or a combination thereof, that disclose all the elements of the pending claims.

Consideration of the Supplemental Reply Brief is required.

**CONCLUSION**

Accordingly, it is **ORDERED** that the application is remanded to the Examiner to:

- 1) vacate the Examiner's Answer mailed September 14, 2006;
- 2) consider the Supplemental Reply Brief filed September 7, 2007; and
- 3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
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